

REMARKS

No new matter is added by this Amendment. This Amendment is being filed in response to the office action dated February 5, 2003. A Petition For A One-Month Extension Of Time is also enclosed. The present application was filed on January 18, 2002 with original claims 1-12. In a preliminary amendment, claims 1-6 and 8-12 were amended and new claim 13 was added. By this amendment, claim 1 has been amended. The claims remaining in consideration are claims 1-13. Claim 1 is the only independent claim with claims 2-13 being ultimately dependent thereon. Reconsideration is respectfully requested.

Claims 1, 2 and 4 were rejected under 35 USC §102(b) as being anticipated by GB 1,083,203 (the '203 reference). This rejection is respectfully traversed. Claim 1 has been amended to more clearly identify the subject matter applicants regard as the invention.

The '203 reference relates to a replaceable filter for filtering contaminants of a fluid between inlet and outlet passages. The filter includes a base plate **1** which is attached directly to a flat surface or frame **3** such as an engine block by a screw threaded projection. Fluid carrying inlet and outlet passages are integral with the frame **3** and communicate with the filter by way of two openings on the flat surface **4, 5**. One of the openings cooperates with the screw threaded projection. The other of the openings cooperates with an outer annular portion of the base plate **1**. The base plate **1** provides a surface to which a filter member **7** is attached by way of a layer **10** which undergoes polymerization, thus bonding the filter member **7** to the base plate **1**. A layer or plate **12** of similar or identical material is disposed on the distal end of the filter member to seal the second end of the filter member. The base plate **1** has openings around its edge whereby fuel is permitted to flow from an inlet port defined by the surface, through the openings, and into communication with the central tube and outlet openings via the filter member **7**.

There are two possible interpretations of the '203 reference. In the first interpretation, the base plate **1** is the "filter body" and the second end of the filter is secured to it, so that the "first" end of the filter is attached to the plate or layer **12**. In the second interpretation, the base plate **1** is the "support plate" for the first end and the second end is the end attached to the plate or layer **12**.

The present invention as embodied in amended, independent claim 1, sets forth a fuel filter having a filter body with opposing filter body ends. The filter body defines an internal chamber within which a filter medium is to be located. The filter medium includes an outer periphery and a filter member having a first end secured to a support plate. The second end of the filter member is secured to the filter body. The support plate has an outer periphery which engages the inner surface of the filter body. The first and second ends are secured such that fuel can only flow from the outer periphery of the filter medium to an inner part of the filter medium by flowing through the filter medium. The filter body is of multi-part construction. The parts of the filter body are non-removably, sealingly secured to one another such that the parts of the filter body form an integral whole. The filter body is shaped to define an inlet port and an outlet port communicating with dirty and clean sides of the filter medium, respectively. Both the inlet and outlet ports are positioned at the same body end of the filter body.

Under either interpretation, the '203 reference does not include each and every limitation of amended claim 1. For example, under the first interpretation, if the second end of the filter is attached to the base plate of filter body, it is clear that the layer **12** cannot be termed a support plate as it provides no means of supporting the other end of the filter member. Alternatively, under the second interpretation, if the base plate is taken to be the support plate, it is clear that the opposite end is not attached to the filter body or indeed any part of the filter in any way.

Thus, the '203 reference does not teach or require that "the second end of the filter member is secured to the filter body", as required by claim 1.

Furthermore, the present invention as embodied in amended claim 1, includes a support plate having "an outer periphery which engages the inner surface of the filter body". Such a structure is not taught in the '203 reference.

Applicants respectfully assert that the present invention as embodied in amended claim 1, is not taught or disclosed in the '203 reference and that the rejection of claim 1 under 35 USC §102(b) over the '203 reference is improper. Applicants, therefore, request that the §102 rejection be withdrawn.

Claims 2 and 4 are dependent upon allowable claim 1. Thus, for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 2 and 4 are also allowable.

Claims 3 and 11-13 were rejected under 35 USC §103(a) as being unpatentable over the '203 reference in view of US Patent 5,382,361 issued January 17, 1995 to Philippe Brun ("Brun"). This rejection is respectfully traversed. Claims 5 and 6 were rejected under 35 USC §103(a) as being unpatentable over the '203 reference in view of US Patent 4,683,055 issued July 28, 1987 to Bosch et al ("Bosch"). This rejection is respectfully traversed. Claims 5-7 and 9 were rejected under 35 §103(a) as being unpatentable over the '203 reference in view of US Patent 5,685,278 issued November 11, 1997 to Bradford et al ("Bradford"). This rejection is respectfully traversed. Claims 7-9 were rejected under 35 USC §103(a) as being unpatentable over the '203 reference in view of either Bosch or Bradford and further in view of US Patent 3,813,034 issued May 28, 1974 to Lewis et al ("Lewis"). This rejection is respect traversed.


Claims 3 and 5-13 are ultimately dependent upon allowable independent claim 1. Neither Brun, Bosch, Bradford, nor Lewis, singularly or in combination disclose the structure as required in amended claim 1. Thus, for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 3 and 5-13 are allowable over the cited prior art and request that the §103(a) rejections be withdrawn.

All of the Examiner's rejections and objections having been successfully traversed or made moot, Applicant(s) assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited. If the Examiner believes that a telephone interview would be helpful, please contact the undersigned at the number provided.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Dated: **June 4, 2003**



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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the enclosed Response and Petition For A One-Month Extension Of Time is being delivered via first class U.S. Postal Service, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450 on this 4th day of June, 2003.

A handwritten signature in black ink, appearing to read "Laura L. Acx", written over a horizontal line.

Laura L. Acx

MARKED UP VERSION OF CLAIM 1

1. (Twice Amended) A fuel filter comprising a filter body having opposing filter body ends, the filter body defining an internal chamber within which a filter medium is to be located, the filter medium including an outer periphery and a filter member having a first end secured to a support plate, and a second end secured to the filter body, wherein the support plate has an outer periphery which engages the inner surface of the filter body, said first and second ends being secured such that fuel can only flow from the outer periphery of the filter medium to an inner part of the filter medium by flowing through the filter medium, the filter body being of multi-part construction, the parts of the filter body being non-removably, sealingly secured to one another such that the parts of the filter body form an integral whole, the filter body being shaped to define an inlet port and an outlet port communicating with dirty and clean sides of the filter medium, respectively both the inlet and outlet ports being positioned at the same body end of the filter body.